

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GEORGE DC PARKER, II & LORI A
PARKER,

Plaintiff,

v.

SOCIETY FOR CREATIVE
ANACHRONISM, aka SCA and/or SCA,
INC.,

Defendant.

CASE NO. 3:23-cv-05069-RJB

ORDER ON MOTION FOR
DEFAULT JUDGMENT

This matter comes before the Court on the Plaintiffs' Motion for Default Judgment. Dkt.

16. The Court has considered the pleadings filed regarding the motion and the remaining file.

The Plaintiffs, *pro se*, filed this case on January 25, 2023, asserting claims for negligence and negligent infliction of emotional distress in connection with events which allegedly occurred while the Plaintiffs were members of Defendant Society for Creative Anachronism, Inc. Dkt. 9. Their applications to proceed *in forma pauperis* were granted on April 17, 2023. Dkt. 8. On May 12, 2023, the Plaintiffs filed an "Affidavit of Service of Summons and Complaint." Dkt. 15.

1 On May 16, 2023, the Plaintiffs filed their Motion for Default Judgment arguing that the
2 Defendant was served on April 24, 2023. Dkt. 16. They move for the Clerk of the Court to enter
3 default. *Id.* The Plaintiffs also attach a proposed order, requesting damages of \$150,000.00 and
4 injunctive relief (including an apology to Plaintiff George Parker II and lifetime memberships to
5 both Plaintiffs, and revisions of the Defendant's policies and guidelines). Dkt. 16-2.

6 The Clerk of the Court has not entered default against the Defendant pursuant to Fed. R.
7 Civ. P. ("Rule") 55(a). Accordingly, the Plaintiff's motion for default judgment should be first
8 construed as a motion for default. The motion for default should be referred to the Clerk of the
9 Court.

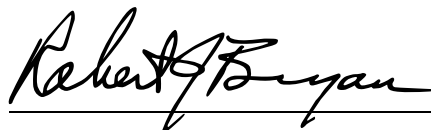
10 To the extent that the Plaintiffs seek relief in their motion, the motion should be denied
11 without prejudice as premature. Under Rule 55(b), default must first be entered before a
12 judgment.

13 Further, it appears that the Plaintiffs seek monetary damages and injunctive relief. The
14 monetary relief is not for a "sum certain or a sum that can be made certain by computation"
15 because it is based on the Defendant's alleged negligence. Rule 55(b)(1). Accordingly, if
16 default is entered, and Plaintiffs move for default judgment, Rule 55(b)(2) will likely apply.

17 IT IS SO ORDERED.

18 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
19 to any party appearing pro se at said party's last known address.

20 Dated this 17th day of May, 2023.

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23 ROBERT J. BRYAN
24 United States District Judge